

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
OCTOBER 5, 2011**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on October 5, 2011, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The board conducted the following business:

Wednesday, October 5, 2011

CALL TO ORDER

Due to Chair David Karem's illness, Vice Chair Roger Marcum called the meeting to order at 8:45 a.m. and asked that everyone please turn off or mute their cell phones. He then asked Mary Ann Miller to call the roll.

ROLL CALL

Present for the meeting were Dorie Combs, Judy Gibbons, Billy Harper, Martha Jones, Robert King, Roger Marcum, Jonathan Parrent, Brigitte Ramsey, William Twyman and Mary Gwen Wheeler. David Karem was not present for the meeting due to illness.

APPROVAL OF MINUTES FROM THE AUGUST 3-4, 2011, RETREAT AND REGULAR MEETING

Judy Gibbons moved approval of the August 3-4, 2011 minutes and Billy Harper seconded the motion. The motion carried.

INTRODUCTION OF NEW KDE EMPLOYEES AND KDE TEAM MEMBERS OF THE MONTH

Commissioner Holliday introduced the following new Kentucky Department of Education employees:

- Renee Boss, Branch Manager, Academic Core Branch, Division of Program Standards, Office of Next Generation Learners
- Lori Wilson, Administrative Specialist II – Division of Budgets and Financial Management, Office of Administration & Support

- Peggy Workman, Delivery Analyst - Office of the Commissioner
- Kate Akers, Research Analyst – Office of the Commissioner
- Neil Watts, Title I Consultant – Division of Consolidated Plans and Audits, Office of Next Generation Schools and Districts
- Laura Arnold, College and Career Readiness Branch Manager - Division of Program Standards, Office of Next Generation Learners
- Todd Davis, School Health Consultant - Division of Program Standards, Office of Next Generation Learners
- Karen Kidwell, New Division Director, Division of Program Standards, Office of Next Generation Learners
- Sally Shepherd, Preschool Consultant - Division of Program Standards, Office of Next Generation Learners
- Nancy Rodriguez, Editor of Kentucky Teacher - Division of Communications, Office of Guiding Support Services

The commissioner then recognized the following employee who was nominated as the August Team Member of the Month:

- Karen Wirth, Branch Manager, Budget Branch, Division of Budgets and Financial Management, Office of Administration and Support

REPORT OF THE SECRETARY OF THE EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Secretary Joe Meyer touched on the following items in his report:

- The Governor’s Office of Early Childhood is proceeding with the development and submission of the Race to the Top application, which is due October 19.
- The Career and Technical Education Steering Committee’s work is underway and a report should be issued before the end of the year.
- Tomorrow, Governor Beshear will announce a dual credit agreement between several entities within the state.

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

President King gave the following report:

- The National Center for Higher Education Management Systems of Boulder, Colorado ranks Kentucky second in the nation in the rate of improvement and the percentages of younger adults, ages 25-44, with college degrees as well as in the rate of improvement in the three-year graduation rates at 2-year institutions. Further, total undergraduate credentials produced in Kentucky increased at rate that surpassed all but four states.
- The Gear-Up funding application has been submitted. This program identifies high schools and middle schools with high numbers of minority students, adopts cohorts of students and wraps services around them to get them college- and career-ready and touches about 10,000 students.
- The work in Kentucky on the implementation of the Common Core Standards is further along than other states and calls come in from outside Kentucky frequently. It may be a good idea for Kentucky to host a national conference in late February on this topic with the Kentucky Department of Education and Education Professional Standards Board being invited to participate.

REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD

Dr. Phillip Rogers presented the following report:

- More time will be spent in a presentation later giving details about the work of the Education Professional Standards Board.
- As to the teacher internship program for this year, there are 262 slots left and we are trying to get everyone in, if possible. A few may have to be served in the spring.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Holliday gave the following report:

- Two charts were handed out titled “College/Career Readiness Trajectory” and “Graduation Rate Trajectory” along with a handout on the progress of persistently low-achieving schools. The board had requested an update on data relative to the strategic plan and trajectories. These charts respond to that request.
- If one looks at the Graduation Rate Trajectory, the Delivery Unit along with staff in the Next Generation Learners’ office worked together to provide us with the data of where we stand today. The strategies of District 180/turnaround, innovation path/student success, career readiness pathways, collection and use of data and the new accountability model will be used to help schools and districts meet their graduation rate improvement goals. The intent is to reach 90% graduation rate by 2014-15. A goal of 76.3% was set for this year and the state exceeded that with 76.68%.

- Congratulations to the District 180 staff, Associate Commissioner Dewey Hensley and the persistently low-achieving schools for making significant growth. The handout titled “Persistently Low-Achieving Schools” shows statistically significant improvement overall and shows what the growth in cohorts 1 and 2 were along with the average growth across the state. The average gain was strong and was 13 points. The board will get a more statistically valid evaluation at a later date from the University of Kentucky. This progress has resulted through districts collaborating with the District 180 staff.
- Relative to the college/career readiness trajectory charts, nine strategies are reflected along the side of the chart that will assist schools and districts in improving their college and career readiness rates. An achievable goal was set and it was exceeded with a rate of 38% this year. The top ten districts with the highest college and career readiness rates were: Ft. Thomas Independent, Oldham County, Beechwood Independent, Pikeville Independent, Harlan Independent, Silver Grove Independent, Williamstown Independent, Walton-Verona Independent and Elizabethtown Independent. The top ten growth districts were Silver Grove Independent, Hickman County, Berea Independent, McLean County, Robertson County, Paris Independent, Estill County, Trimble County, Leslie County and Raceland-Worthington Independent. Of the districts that have a K-12 system, over 100 met the target goals for the first year. The state is on track with its trajectory but will need to bump progress up next year.

GOOD NEWS ITEMS

The following items of good news were reported by the noted individuals:

- **JONATHAN PARRENT** - The Kentucky Department of Education, partnering with Daviess County, Fleming County, Gallatin County, Jackson Independent, Jessamine County, Lee County, Owen County, Washington County, Jefferson County, Kenton County, Magoffin County and Simpson County school districts, were awarded an \$8.8 million, three-year grant from the Bill & Melinda Gates Foundation to support teachers and students.

This grant, known as an “Integration Grant,” will support the integration of several critical streams of work – measures of effective teaching, implementation of the Common Core State Standards and the development of innovative tools and resources to help teachers deliver instruction.

Kentucky is one of three states, including Colorado and Louisiana, to receive an Integration Grant from the foundation.

Kentucky’s grant will be used to:

- build capacity among instructional leaders, principals and teachers to deploy high-quality literacy tasks and mathematics formative assessment lessons

- implement a professional growth and evaluation system to measure effective instructional practices and supports for continuous improvement
- implement a delivery plan for tracking and monitoring usage of the professional growth and evaluation system

Congratulations to the department and to these 12 districts for being selected to participate in this innovative work!

- **DORIE COMBS** – KDE’s own Jacque Van Houten received the Lifetime Achievement Award from the Kentucky World Language Association at the Kentucky World Language Association’s Awards Luncheon in Lexington on Sept. 24. This award recognizes an individual of the world language teaching profession who has demonstrated long-term achievement and service to the Kentucky World Language Association and to the profession - locally, statewide, regionally, and/or nationally. David Karem and I were present to witness the presentation.

Congratulations Jacque, for this tremendous honor!

Additionally, the Kentucky Board of Education received the Kentucky World Language Association’s Amici Linguarum (Friends of Language) Award that recognizes an individual or organization not directly involved in the teaching of world languages that has made a significant contribution to the profession. The board’s support of the teaching of world language at all levels through the Program Review process was recognized. David Karem and I accepted the award on the board’s behalf.

- **JUDY GIBBONS** – Five Kentucky public schools have been designated as 2011 National Blue Ribbon Schools by the U.S. Department of Education. The five are:
 - North Middletown Elementary, Bourbon County
 - W.R. McNeill Elementary, Bowling Green Independent
 - Woodfill Elementary, Ft. Thomas Independent
 - Gamaliel Elementary, Monroe County
 - Southside Elementary, Pike County

Nationwide, 304 schools will be honored with National Blue Ribbon Schools awards, which recognize public and private P-12 schools that help students achieve at very high levels and for making significant progress in closing achievement gaps.

Representatives from each school will attend a recognition ceremony Nov. 14-15 in Washington, D.C. and will receive a visit from Commissioner Holliday in the coming months.

Congratulations to all of the students, staff and administrators in these fine schools!

PUBLIC COMMENT SEGMENT

The following people spoke to the board during this portion of the agenda:

- SFC John Shechy Henry
- Yvonne Beegle
- Betsy Rutherford
- Lilly Wright and John Wright
- Dick Richards
- Frederick Snodgrass
- Janice Tomek
- Jim Hanna

The topics covered during the public comment segment included World Languages, Gender Equity in Athletics and Guiding Principles for Education.

COMPREHENSIVE OVERVIEW: TEACHER AND LEADER EFFECTIVENESS FROM PREPARATION TO PRACTICE (REVIEW ITEM)

Dr. Phillip Rogers, Executive Director of the Education Professional Standards Board (EPSB), Associate Commissioner Larry Stinson and Division Director Michael Dailey came forward to present on this item. Dr. Rogers used a PowerPoint presentation to make the following points:

- The Education Professional Standards Board is:
 - One of thirteen independent professional standards boards across the nation
 - A 17-member board with 15 board members appointed by the Governor and confirmed by the General Assembly (majority are practicing classroom teachers)
 - Ex-officio voting members are the Commissioner of Education and President of the Council on Postsecondary Education
 - Responsible for accreditation of teacher preparation programs, certification of educators, prosecution of educator misconduct cases and programs mandated by the legislature
 - Has approved 30-teacher preparation programs in Kentucky
 - Offers 8 alternative routes to teacher certification
 - Oversees the certification of 42,708 practicing teachers as of school year 2010-2011
 - Oversees certification of 2,181 principals or assistant principals as of school year 2010-2011
- The Education Professional Standards Board's conceptual framework has K-12 student performance and teacher effectiveness at its center surrounded by standards and then the various areas under the purview of the board.
- Regarding accreditation:
 - All units of teacher preparation must have state accreditation.

- The National Council for Accreditation of Teacher Education is optional.
- All institutions are accredited using NCATE standards.
- The Education Professional Standards Board has authority to perform emergency program reviews.
- On the topic of preparation of teachers, the Education Professional Standards Board looks at criteria for selection, content knowledge, clinical experiences and pedagogy (instructional skills).
- Regarding the certification of Kentucky educators, it:
 - Has a multi-tiered certification process
 - Consists of multiple certificate areas
 - Is a multi-track system for the classification of teachers
- Relative to the induction of new teachers into the profession:
 - The Kentucky Teacher Internship Program was established in 1985 and is codified in KRS 161.030 and 16 KAR 7:010.
 - All new teachers (those with less than two years of experience) must complete KTIP successfully.
 - The KTIP committee includes a resource teacher, teacher educator and principal.
 - Each committee member observes the intern three times.
 - The intern must demonstrate competency in all ten of the Kentucky teaching standards through performance-based assessments.
- In the area of advanced preparation in teacher leadership:
 - All Kentucky teachers must achieve Rank 2 within ten years of receiving a professional certificate.
 - All education master's degree programs in Kentucky are focused on teacher leadership.
- Regarding preparation of school/district administrators:
 - After December 31, 2011, all principal preparation programs will sunset. The new programs will require a master's degree prior to admission.
 - Each new program will have a strong emphasis on a collaborative selection process, evidence of instructional leadership skills, co-design and co-delivery of courses with effective administrators from local districts, a focus on instructional leadership, student achievement and closure of gaps and readiness for career/college and a culminating performance-based assessment.
 - All new principal preparation programs will be student-centered.
 - The Education Professional Standards Board envisions each principal as a "leader of leaders".
 - Kentucky has a two-tiered principal certificate.

- Relative to the prosecution of educator misconduct:
 - The Education Professional Standards Board is responsible for investigating and prosecuting all cases of educator misconduct.
 - The board reviewed 299 disciplinary cases during 2010.
 - The board dismissed 50 cases, voted to hear 126 cases and deferred 60 cases for training or more information. The board voted to admonish 63 educators.
 - In 2010 the board revoked 45 certificates and suspended 81.
 - All new teachers, substitutes and education personnel renewing their certificates are required to submit a character and fitness application to the Education Professional Standards Board.
 - In 2010 the board reviewed 267 C and F cases with 249 approved, 10 denied and 8 deferred for more information.
 - Superintendents are mandated to report incidents of misconduct to the board.
 - The board is a member of the “NASDTEC” Clearinghouse, which provides a national database of educators who have been disciplined or reported for misconduct.

- Beginning in 2004 and going through 2014, the Education Professional Standards Board has used policy to improve practice in the:
 - Redesign of the Kentucky Teacher Internship Program to include performance assessments
 - Revision of the board’s goals to emphasize commitment to student learning
 - Redesign of the master’s degree programs used for rank change to focus on teacher leadership
 - Redesign of the Principal Preparation Programs to focus on student-centered school leadership
 - Redesign of superintendent preparation programs to focus on student-centered district leadership
 - Restructure of the requirements for admission to initial certification programs, clinical experiences, student teaching, minimum scores on Praxis to assessments and content assessment for the elementary certificate
 - Redesign of state accreditation and program review process
 - Release of the Education Professional Standards Board’s data dashboard
 - Development of the quality preparation index to include K-12 student performance as one of multiple measures

The following questions were posed to Dr. Rogers with his response shown adjacent to each question:

- Question – Will the data dashboard provide information on teachers by district?
 Response – It will not do this currently because the plan is to first show the data statewide and drill down to the district level later.

- Question – Will the quality index look at teacher preparation and quality indicators?
Response – That is the current plan.
- Question – As restructuring occurs, is the issue of a diverse teaching core part of the discussion?
Response – Yes, the alternative route has the option to establish its own preparation program but currently only one exists in Jefferson County.
- Question – In restructuring the admissions requirements, applicants are expected to exhibit four areas of competence. What is the EPSB doing with persons already in the system?
Response – The Kentucky Department of Education is doing a tremendous amount of work in this area. Also, additional endorsements that teachers can earn provides additional training.

OVERVIEW OF 2010-11 STATE ASSESSMENT RESULTS (REVIEW ITEM)

Associate Commissioner Ken Draut and Division Director Rhonda Sims came forward and presented the following information to the board using a PowerPoint presentation:

- The assessment data that was released on Tuesday, September 27 is available on the Kentucky Department of Education's Open House site. The types of reports and data available were depicted for the board. Through a series of slides showing graphs, the Kentucky Core Content Test reading percent proficient and distinguished by grade span and year in reading, mathematics, science, social studies and writing on-demand were displayed and discussed.
- The percentile rank for average scale score using national norms for the Iowa Test of Basic Skills were provided in reading and mathematics by grade in both 2010 and 2011.
- A measure of gap to goal for 2010 and 2011 were given for all students, male, female, white, African-American, Hispanic, Asian, free and reduced lunch, limited English proficient and students with disabilities.
- The criteria to measure the college and career readiness rate was explained and then the number of graduates in the college-ready and career-ready categories were displayed with a non-duplicated total showing the number of graduates college- and/or career-ready being 15,746.
- Additionally, after adding a bonus calculation for students that were both college- and career-ready, it was shown that 42% of graduates were deemed to be both college and career ready.
- Next, the state report for the 2011 No Child Left Behind results was presented and showed that at the state level, 13 out of 25 target goals or 52% were met.

- A summary of consequences for Title I schools and districts related to the 2011 No Child Left Behind results showed 245 schools in consequences and 122 districts in consequences.
- In the non-Title I schools relative to schools eligible for state assistance through 2011 No Child Left Behind results, 206 non-Title I schools were identified in 2011.

703 KAR 5:070, INCLUSION OF SPECIAL POPULATIONS IN THE STATE-REQUIRED ASSESSMENT AND ACCOUNTABILITY PROGRAMS (REVIEW ITEM)

Associate Commissioner Ken Draut, Division Director Rhonda Sims and Johnny Collett came forward for this topic. Draut began by noting that the conversation would now shift to regulations that support the new assessment and accountability system. He began with 703 KAR 5:070 and reminded the board that this is the first reading with final approval to occur at the December 2011 meeting.

Rhonda Sims then went over a summary of the proposed revisions to the regulation that included three significant policy changes for students with disabilities that have an Individualized Education Program. These changes would be to: a) remove the use of a reader during the state-reading assessment in order to measure reading comprehension; b) remove the use of a calculator during the non-calculator portion of the state-required mathematics test in order to measure mathematics fluency; and c) remove prompting and cuing notebooks. Sims also went over the stakeholder feedback that had been received on 703 KAR 5:070.

Commissioner Holliday advised the board that these policy changes need to occur in order to match procedures at the national level and stated that the board would have to decide if it wanted to align Kentucky with these or not.

Roger Marcum stated that it is a difficult decision at the local level.

Dorie Combs added that this would be good because she hoped it would affect classroom practice.

Mary Gwen Wheeler noted that there is tension between the construct of the test and ensuring that students are productive members of society. She emphasized there needs to be a balance and assurance that appropriate instruction will be provided. Johnny Collett noted that he had spoken with special education cooperative directors and said they were generally supportive of the revisions.

Judy Gibbons said she was more concerned about English learners.

Rhonda Sims replied that the English learners don't take the reading part of the assessment their first year.

Brigitte Ramsey emphasized that the board has to look at whether the score would be invalid with the participation of a reader or whether the student would participate without the reader.

Rhonda Sims indicated that the student would be expected to participate.

Commissioner Holliday said that continuing the use of the readers puts Kentucky's NAEP results at risk.

703 KAR 5:240, NEXT-GENERATION LEARNERS PROCEDURES (REVIEW ITEM)

Associate Commissioner Ken Draut used the handout summarizing the proposed revisions on 703 KAR 5:240 and went through the changes in each section as well as the stakeholder feedback that had been received on this regulation. He indicated that this regulation would also be coming back in December of 2011 for consideration of final approval.

PRESENTATION TO HONOR C.B. AKINS AND ANNOUNCEMENT OF THE DR. SAMUEL ROBINSON AWARD WINNER

Vice-Chair Roger Marcum indicated that he was honored to recognize former Kentucky Board of Education member, C.B. Akins, who recently resigned from the board due to his appointment to the University of Kentucky's Board of Trustees. He reminded everyone that Akins was appointed to the Kentucky Board of Education by the Governor in April 2006 and was reappointed in 2010 and continued to serve until August 2011. Akins was characterized as one who deliberately challenged his fellow members to consider how decisions would affect all students and ensure that equity, diversity and the opportunity to learn for all students was at the forefront of the board's conscience. Marcum went on to say that leadership on the board, as in Akins' professional and personal lives, was a hallmark of his board terms with service as vice-chair of the board from August 2008 until August 2011. He then said that most of all, C.B. Akins was valued as a friend and colleague and the board knows that he will continue to use his voice to support a high-quality, rigorous educational experience for Kentucky students and the vision that all students graduate from high school, college- and career-ready.

Marcum then presented Akins with a framed picture that recognized his service to the children of Kentucky as a member of the Kentucky Board of Education containing a quote that read: "We find delight in the beauty and happiness of children that makes the heart too big for the body." At this point C.B. Akins came forward to accept the token of appreciation and friendship.

Next, Vice-Chair Marcum announced that the board was scheduled to present the Samuel Robinson Award today to Robert F. Sexton, posthumously, with Pam Sexton his widow accepting the award. However, he noted that Pam was out of state and thus the board will be making that presentation honoring Bob at the December 7 meeting.

TEACH FOR AMERICA UPDATE (REVIEW ITEM)

Will Nash, Executive Director, Teach for America, came forward to present on this item. Mr. Nash used a PowerPoint presentation to summarize the information on Teach for America for the board. He shared the following points:

- About 50% of students from low-income communities won't graduate from high school by the time they are 18 years old and the 50% of those who do graduate will perform on average at an 8th grade level.
- Only 8% of kids growing up in low-income communities graduate from college by age 24.
- 80% of kids growing up in high-income communities graduate from college by age 24.
- In the United States, if you are from a low-income community you have a higher chance of going to jail than of getting a 4-year college degree.
- Teach for America has goals to create systemic, sustainable change that will eliminate educational disparities, not just fix them; provide students with a transformational education that will change their life trajectory and build lifelong advocates who will work inside and outside of education to combat the issues plaguing students, schools and communities.
- Teach for America selects its corp members based on leadership potential and other traits that distinguish the most successful teachers of leadership and achievement, perseverance and sustained focus in the face of challenges, strong critical thinking skills, superior organizational ability, respect for individuals' diverse experiences, superior interpersonal skills and understanding of and desire to work relentlessly in pursuit of the organization's vision.
- Since Teach for America's founding in 1990, more than 20,000 teachers have impacted over 3,000,000 students across the nation.
- A growing movement of leaders, 33,000 Teach for America alumni work in every career field and sector to ensure all kids have access to an excellent education.
- 30% of students in Teach of America's partner districts are college/career ready. In Kentucky those districts are Barbourville Independent, Whitley County, Knox County, Laurel County, Leslee County, Letcher County, Knott County, Martin County and Floyd County.
- 68% of students in Kentucky's highest income public schools are college/career ready.
- In Kentucky there are 22 corp members teaching in nine partner districts, two to four new partner districts coming on board each year enabling 70 more Teach for America teachers to be added over the next two years, 1,800 students impacted in 2011-12, 82% of teachers are teaching in "critical shortage areas", a 100% pass rate on the required Praxis exams and an average undergraduate GPA of 3.6 for these teachers, many of whom held significant leadership positions in college.

***703 KAR 5:140, REQUIREMENTS FOR SCHOOL AND DISTRICT REPORT CARDS
(REVIEW ITEM)***

Associate Commissioner Ken Draut summarized the changes to 703 KAR 5:140 including the use of no narratives and focusing on the data required by state and federal law. He emphasized this would relieve lots of work currently performed by the districts. Draut said no objections have been raised so far to these changes.

***REPEAL OF ASSESSMENT AND ACCOUNTABILITY REGULATIONS (TO BE
REPLACED BY 703 KAR 5:240) (REVIEW ITEM)***

Associate Commissioner Ken Draut came forward to discuss this item. The following regulations are included in this agenda item:

- 703 KAR 5:002, Repeal of 703 KAR 5:001, Assessment and accountability definitions
- 703 KAR 5:021, Repeal of 703 KAR 5:020, The formula for determining school accountability
- 703 KAR 5:041, Repeal of 703 KAR 5:040, Statewide Assessment and Accountability Program; relating accountability to A1 schools and A2-A6 programs
- 703 KAR 5:051, Repeal of 703 KAR 5:050, Statewide Assessment and Accountability Program; school Building appeal of performance judgments
- 703 KAR 5:061, Repeal of 703 KAR 5:060, Interim assessment and accountability process
- 703 KAR 5:131, Repeal of 703 KAR 5:130, School district accountability
- 703 KAR 5:161, Repeal of 703 KAR 5:160, Commonwealth Accountability Testing System administration procedures

Ken Draut indicated that a number of regulations have procedures in them that are outdated because we are moving to the new assessment and accountability system. He stated that these need to be repealed and would be replaced by 703 KAR 5:240, which was previously discussed. Draut noted that no action was needed at this meeting because this is the first reading.

HEARING OFFICER'S REPORT (REVIEW ITEM)

General Counsel Kevin Brown came forward to present his report. Brown stated that he had four items on which to report as follows:

- In June, the Kentucky Board of Education repealed the Commonwealth Diploma regulation that would end this recognition in May of 2012. He stated that he had withdrawn the regulation from the legislative approval process due to technical questions from the Legislative Research Commission and concerns from the field about the timeline for ending the program. Brown indicated that staff is recommending to continue the program an additional year with no funding for the advanced placement exams, because this would give time to get a new program in place and for those students in the pipeline to complete the current program.

At this point Dorie Combs moved to amend the board's previous action and add an additional year to the program to include no funding for the advanced placement exams. Judy Gibbons seconded the motion and it carried.

- The board had a hearing on the removal of William Boyd, Bath County board member, that resulted in a 90-day suspension taking effect September 15. A statutory requirement exists that a replacement must be appointed during this suspension. Characteristics to guide the decision for an appointment are found on the second page of the staff note for this item and according to these principles staff is recommending Mr. Vearl Pennington to fill the position during the 90-day suspension timeframe.

Vice-Chair Roger Marcum said the board has heard staff's recommendation and asked if there were any comments or questions.

Billy Harper asked if Mr. Pennington is willing to serve.

General Counsel Brown indicated this was the case and went on to say that Mr. Boyd has filed an appeal but explained that the appointment still needs to be made. Brown stated that the Circuit Court will issue a decision that would determine if taking the seat gets delayed.

At this point, William Twyman moved to appoint Mr. Pennington to the Bath County Board of Education for the specified timeframe during the suspension of William Boyd. Jonathan Parrent seconded the motion and the motion carried.

- The three regulations that frame the requirements for the new assessment and accountability system (703 KAR 5:200, 703 KAR 5:230 and 703 KAR 5:220) will come before the Education Assessment and Accountability Review Subcommittee (EAARS). He then asked Tracy Herman to go over the comments from the EAARS committee relative to the last discussion on this topic. He noted that he has deferred any action by the EAARS committee on these regulations until November due to the comments that were received and to issues that must be dealt with related to the waiver from No Child Left Behind requirements.

Tracy Herman summarized the concerns from EAARS as follows:

- Technical issues and the need to add definitions for these regulations exists. These issues can be solved working with the Legislative Research Commission staff.
- Issues were raised about the weight for science.
- Relative to Program Reviews, particularly K-3 and world language, some of the EAARS members felt that adding those two additional Program Reviews was too much too soon.

Roger Marcum noted that he had received an e-mail from the Green River Regional Educational Cooperative superintendents who wanted to make world language Program Reviews at elementary optional. He asked the board where they wanted to go from here on this issue.

William Twyman asked about the timeline for rolling these Program Reviews out.

Commissioner Holliday indicated that development would occur in 2011-12, implementation in 2012-13 and inclusion in accountability to occur in 2013-14.

The board expressed consensus that the need to stay the course on world language was the direction they preferred; however, it was discussed what could be done to allay the concerns through timing or resources.

Commissioner Holliday indicated that it is widespread among superintendents to support the K-3 Program Review but noted that concern exists over the world language area. He felt that there is a need to educate superintendents and legislators on how world language can be implemented, but he also expressed that a risk exists as to losing the whole system if this process is not rethought. Holliday stated that his recommendation is to keep moving forward but allow more time for the education process to occur. He suggested delaying accountability for two more years but moving ahead with development.

Mary Gwen Wheeler, Jay Parrent and Brigitte Ramsey all expressed support for the delay with the understanding that the department would be proactive in the interim with communication and education efforts.

At this point, Brigitte Ramsey moved to delay implementation and accountability for world language at all three levels in 703 KAR 5:230 and William Twyman seconded the motion. The motion carried with Billy Harper and Dorie Combs voting no.

- The waiver application asking for flexibility from the No Child Left Behind requirements is due November 14. On October 19, the commissioner will do a webcast to several different audiences about the elements that must be contained in the waiver request. On October 27, the Superintendents' Advisory Council and the Teachers' Advisory Council will meet. At the same time it is posted for public comment, it will be sent to the board. The United States Department of Education hopes to make decisions on whether to approve the waiver requests in January.

2012-2014 BIENNIAL BUDGET UPDATE FOR THE KENTUCKY BOARD OF EDUCATION (ACTION/DISCUSSION ITEM)

Associate Commissioner Hiren Desai and Division Director Charles Harman came forward to present this item. Associate Commissioner Desai then went over the handout where an overview of the budget was reflected on page 1 and additional funding requests on page 2. He noted that the Lyon County project came off of the list of requests because this was dealt with by the state budget office.

Billy Harper suggested that a look needs to be taken at the whole transportation system for efficiency.

Brigitte Ramsey asked about the career and technical education needs from the committee that is currently working.

Commissioner Holliday noted that the department cannot bring anything forward until the committee issues its recommendations. He felt that budgetary items for this would come through a legislator or the Governor's office.

Hiren Desai pointed out that staff needs approval of a budget today so that it can be submitted to the Governor's office.

At this point, Dorie Combs moved approval of the budget proposal as submitted and Judy Gibbons seconded the motion. The motion carried.

***KENTUCKY BOARD OF EDUCATION'S LEGISLATIVE AGENDA FOR THE 2012
REGULAR SESSION OF THE GENERAL ASSEMBLY (ACTION/DISCUSSION ITEM)***

Associate Commissioner Kevin Brown and Legislative Liaison Tracy Herman came forward to present to the board on this item. Associate Commissioner Brown indicated that there are four topics being proposed for the board's consideration and noted that the General Assembly begins meeting on January 3, 2012. He then asked Tracy Herman to summarize the proposals.

Ms. Herman explained that the budget proposals being brought forward today are the bigger ticket items that deal with comprehensive strategies as follows:

- From last year's agenda, staff is recommending to pursue raising the compulsory school age from 16 to 18.
- Innovation items from Division Director David Cook are coming forward dealing with such concepts as early and middle college and expansion of the snowbound project.
- Changes are proposed to the preschool funding formula to eliminate the negative adjustment.
- The career and technical education piece is included, the details of which will become known once the recommendations from the committee come forward.

Roger Marcum noted this is an action/discussion item and asked for a motion. Jay Parrent moved approval of the legislative agenda and Martha Jones seconded the motion. The motion carried.

Kevin Brown indicated that staff will come back to the board in December with more detail on the legislative agenda.

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING

Action/Discussion Items

1. **704 KAR 19:001, Alternative Education Programs (Final).** Associate Commissioner Kevin Brown indicated that the changes since the board reviewed this regulation last time were bolded and then Legislative Liaison Tracy Herman went over the changes.

Committee Chair Judy Gibbons then asked if staff had accommodated the requests from Kentucky Youth Advocates that were communicated to the board.

Associate Commissioner Brown said that in addition to communication from Kentucky Youth Advocates, proposed changes were also received from the Children's Law Center and others. He indicated that some changes were made due to the comments submitted, but replied that not all of the suggestions were incorporated. Brown went on to explain that once the board approves the regulation, it will go through the public hearing and comment period where any groups that feel further changes need to occur may submit testimony to that effect. He continued that from the testimony received at the public hearing, a Statement of Consideration will be prepared that will come back to the board making recommendations on each specific change that an individual or group is requesting and the board will make a decision on whether to make these changes. He pointed out that the Kentucky Youth Advocates was involved at the very beginning of the discussion about the content of this regulation and noted Commissioner Holliday agreed to three points that would be covered. These points included defining alternative education programs, tracking the data from these programs and tracking the program funding. Brown noted that all three of these commitments are handled within the language of the regulation.

Committee Chair Gibbons said she felt that any further changes suggested by groups should be handled during the public comment period.

At this point, Dorie Combs moved final approval of 704 KAR 19:001 and Billy Harper seconded the motion. The motion carried.

2. **Request for waiver of 704 KAR 3:285, Section 2 from the Ballard County School District regarding use of Gifted and Talented funds.** Associate Commissioner Felicia Smith explained that the amount of funding for gifted and talented has decreased over the years and that districts face difficult decisions in serving these students. She stated that the waiver is asking that Ballard County be able to use the funds for services but that the district allocate the dollars to hire the certified person.

Judy Gibbons noted that the district would still be hiring a certified person.

Felicia Smith confirmed that it is clear the state board is not waiving certification because that is not under the board's purview.

Mary Gwen Wheeler then moved approval of the waiver request from Ballard County with the understanding that the district must still hire a certified person. She also included in the motion to direct the Kentucky Department of Education to review the elements of the gifted and talented program and regulation and come back with further recommendations at a future meeting. Billy Harper seconded the motion and it carried.

Review Item

1. **Common Kindergarten Entry Assessment Regulation.** Associate Commissioner Felicia Smith came forward for this item. Smith said that staff is bringing the regulation forward for feedback at this meeting. She noted that in Section 3 a date needs to be changed from 2011-12 to be 2012-13.

Committee Chair Gibbons then asked for questions about the content of the regulation.

Mary Gwen Wheeler suggested that before bringing the regulation back for final approval, staff should consider adding a definition for early learning and information that should be used for student improvement.

Brigitte Ramsey was recognized and said that as a member of the Early Childhood Advisory Council, this regulation is a critical piece of the Race to the Top Early Childhood application and emphasized that it gives the state information about its investment in early childhood education and whether improvement is being sustained.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

1. **New District Facility Plans: Boyle, Hardin, Ohio, Owen, Spencer and Webster County School Districts and Fort Thomas Independent School District.** Associate Commissioner Hiren Desai indicated that these plans meet all of the requirements of law and regulation. KDE staffer Tim Lucas noted that all of these plans are straight forward except for Ohio County where they have now changed Horse Branch to transitional but did not change the organizational pattern within the district.

Committee Chair Brigitte Ramsey summarized that the Ohio County plan has now dealt with the fiscal issue but the district did not choose to change the instructional design.

Roger Marcum then moved approval of the submitted district facility plans and Jay Parrent seconded the motion. The motion carried with William Twyman voting no.

2. **2010-11 Local District Tax Rates Levied.** Division Director Kay Kennedy indicated the board has two documents, one showing the tax rates levied and the other showing kinds of rates. She summarized that 153 tax rates are being submitted and recommended for approval.

Roger Marcum moved approval of all submitted local district tax rates levied and Jay Parrent seconded the motion. The motion carried.

Review Items

1. **Audit Update and Review of the Commissioner's and Board's Expenses for the KBE Management Committee.** Associate Commissioner Hiren Desai came forward to discuss this item. Associate Commissioner Desai went over the expenses handout first. He noted that in the future the handout would reflect what the actual expenses of the commissioner were as opposed to a confusing combination of both the commissioner's and his office staff's expenditures. He noted that staff looked at this year as compared to last year and the expenses are within a couple of hundred dollars from what was submitted last year.

As to the board's expenses, he was happy to report that these are \$19,000.00 less than last year.

Division Director Charlie Harman then addressed the audit items as follows:

- As to the FY2010 Statewide Single Audit, the department finished 2010 with zero findings. The FY2011 Statewide Single Audit is ongoing.
- For the FY10 A-133 School District Reviews, the auditors are reporting that the audited districts went from 23 to 4 findings over the last four years.
- For the E-Rate audit, the issue of whether a penalty will be assessed on this item has not been settled and the \$1,000,000 that was set aside for this purpose is still being held awaiting this decision.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

Committee Chair Brigitte Ramsey of the Management Committee moved approval moved approval of all action/consent agenda items, including the district facility plans and the local district tax rates levied for 2011-2012. The motion carried.

REPORT OF THE CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE ON ACTION/DISCUSSION ITEMS

On behalf of the committee, Chair Judy Gibbons moved approval of 704 KAR 19:001 and the waiver request from Ballard County regarding the use of gifted and talented funds.

Before voting on the motion, Roger Marcum clarified that the board did receive a letter from the Kentucky Association for Gifted Education about the Ballard County waiver and clarified that Ballard County still must have a certified person to teach gifted education.

At this point the question was called and the motion carried.

BOARD MEMBER SHARING

The following items were shared by board members:

- Billy Harper – The commissioner joined me in Nashville for a meeting of persons from the fifteen largest companies and Gene Wilhoit attended the second day. The commissioner did an excellent job and this meeting could result in possible grants to support some of Kentucky's initiatives.
- Dorie Combs – I attended the American Diploma Project meeting as part of a team where the Council on Postsecondary Education and Kentucky Department of Education staff represented us well. We talked a lot about where we are going with the science standards work.
- Brigitte Ramsey – I attended the Data Quality Campaign conference with members of the P-20 data collaborative. Kentucky is looking good in that particular area and more will be shared later about this work.

INTERNAL BOARD BUSINESS

The following items were discussed during this segment of the board meeting:

- Jay Parrent asked staff to consider pursuing a paperless meeting system. Mary Ann Miller replied that research will be done on this.
- The commissioner of education's written evaluation document came forward for approval. Judy Gibbons moved approval and Martha Jones seconded the motion. The motion carried.
- The commissioner presented his goals for 2011-12 for the board's consideration. Mary Gwen Wheeler commended him for being so specific and then moved approval of the goals. William Twyman seconded the motion and it carried.
- Vice-Chair Roger Marcum appointed Brigitte Ramsey, William Twyman and Dorie Combs to continue their role as a committee to select the Joe Kelly and Johnnie Grissom Award winners for the December meeting.
- The board agreed to have its traditional holiday dinner the night before the December 7 meeting.

ADJOURNMENT

Dorie Combs moved to adjourn the meeting and Brigitte Ramsey seconded the motion. The motion carried.

